

CITY OF WEST LAFAYETTE
COMMON COUNCIL
PRE-COUNCIL MINUTES
April 28, 2016

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on April 28, 2016, at the hour of 4:30 p.m.

President Bunder called the meeting to order and presided.

Present: Peter Bunder, Nick DeBoer, Steve Dietrich, Gerry Keen, Larry Leverenz, David Sanders [arrived at 4:33], and Norris Wang.

Absent: Azeem Jha and Gerald Thomas

Also present were Mayor John Dennis, Corporation Counsel Eric Burns, Clerk Sana Booker, IT Director Brad Alexander, Public Works Director David Buck, Facilities Director Tim Clark, Police Chief Jason Dombkowski, Parks Superintendent Janet Fawley, Human Resources Director Diane Foster, City Controller Peter Gray, Fire Chief Tim Heath, WWTU Director David Henderson, and Street Commissioner Doug Payne, and Director of Development Poole.

REPORT OF APC REPRESENTATIVES

President Bunder asked that Councilor Leverenz talk at Council about a recent decision made by the Board of Zoning Appeals (BZA) regarding a property on Salisbury Street.

SPECIAL REPORTS:

2015 WWTU Annual Report

WWTU Director Henderson stated that Jim Treat (O.W. Krohn & Associates) will present this report at Council.

Report to Council Regarding Updating and Modernizing the West Lafayette City Code

Corporation Counsel Burns stated that we have a service [MuniCode] that will be able to provide everything we need at a reasonable cost.

Councilor DeBoer thanked Counsel Burns and Clerk Booker for getting that done in such a short order.

Councilor Dietrich asked if there are competing companies that do that, or if there is a lock.

Counsel Burns responded that this company has a lock. It has 4,000 different governmental entities around the country. It has been around a long time, and from all indications it is top-drawer.

Councilor DeBoer stated that it is surprising that Bloomington also uses MuniCode, and he used Bloomington as an example of some of the best out there when writing the legislation. He stated that Bloomington must be on a higher package that we are aiming to achieve.

Counsel Burns stated that there are packages offered, or it can be bought à la carte. In response to a question from Councilor Wang, Counsel Burns stated that it is his understanding that Bloomington has been with MuniCode for a very long time. He stated that he assumes that it is

freshened up every few years, but there is also a lot of pruning and tending that goes on from year to year just by having MuniCode available to do the basic things.

Joint Board Report

President Bunder and Councilor DeBoer discussed that there will be a small report, including the hope of figuring out dates and times.

UNFINISHED BUSINESS: None

NEW BUSINESS:

Ordinance No. 11-16 An Ordinance Concerning The Construction Of Additions And Improvements To The Sewage Works Of The City Of West Lafayette, Indiana, The Issuance Of Revenue Bonds To Provide The Cost Thereof, The Collection, Segregation And Distribution Of The Revenues Of Said Sewage Works, The Safeguarding Of The Interests Of The Owners Of Said Revenue Bonds, Other Matters Connected Therewith, Including The Issuance Of Notes In Anticipation Of Bonds, And Repealing Ordinances Inconsistent Herewith (Sponsored by Mayor Dennis)

President Bunder read Ordinance No. 11-16 by number only, and he asked who will talk about Auburn Meadows.

Dan Teder (Reiling Teder & Schrier, LLC), representing the petitioner, stated that Jim Treat will provide some more detail about the bonds at the Council meeting. He stated that he will discuss the Bond Anticipation Note (BAN) portion. He stated that it deals with Tippecanoe Development II, owned by the Scheumann family. Mr. Teder described the location of the Auburn Meadows subdivision. He stated that he is requesting approval of this BAN from the City so that the City will build the sewer and lift station to provide sewage to the site. He stated that if the City begins this shortly, then in early 2017 there will be houses built for sale. If it is not done in a timely manner then the houses cannot be built until mid or late 2018. He stated that the reason that is important to not only the Developer, but also to the City, is that by the end of 2016 there will be no R1 lots available in this area. He stated that the petitioner is willing for the subdivision to be annexed into the City, and it is a win-win situation for everyone involved. It will be an increase of residents for the City, an increase in the tax base, and additional sewage revenue. He stated that he believes that Jim Treat concurs from the financing part of it that it is a doable deal as there is revenue that was anticipated for pay-go projects.

Councilor Keen asked if it is correct that this is not a combined sewer system, and Mr. Teder confirmed that is correct. Councilor Keen stated that when this came before APC there were some concerns from the public about stormwater in that area, and he wanted to make sure that it is being addressed.

Councilor Dietrich asked about the price point of the houses.

Mr. Teder responded that it will be north of \$200,000. He stated that the problem today for entry-level homes is that there are costs associated with sewer, clean water, and drainage. It has caused the price of the lots to increase.

Councilor DeBoer asked when the City is planning to go through the annexation process and about the steps that need to be taken.

Counsel Burns responded that there are a couple of different kinds of voluntary annexation. This is called a super-voluntary annexation, which is the quickest. He stated that it calls for all of the

property owners, which we would have, asking for that annexation. It would be necessary to have a fiscal plan, which we would have Jim Treat do. He stated that the total process from start to finish is between 120 and 150 days. He stated that compared to other annexations it is very quick, very low cost, and it should go easily.

Councilor DeBoer asked if it is standard to start funding these projects before the annexation is complete.

Counsel Burns responded that it is generally done with a waiver of the right to remonstrate. Those are done routinely, and those are signed. He stated that sometimes years go by before there is an actual annexation. He stated that in this case, because of the location of it, it appeared smart to go ahead and just do the whole annexation right now and it will go in tandem.

Public Works Director Buck stated that we are not annexing anything right now. We are just extending service within our service area to areas that do not have plumbing. He explained that our service district has a different boundary than our City limits. This area is ours to serve from a sanitary service utility standpoint; we just do not have any pipes in the ground or facilities to be able to do so currently. He stated that this is what this project will provide. He stated that we can annex the area with the waiver at any point in the future that we deem fiscally responsible, or for good growth and planning, going forward.

Counsel Burns stated that it will be analyzed by the fiscal plan as to whether or not now is the time to do that. He stated that given the fact that it is done with the consent of all of the owners, it can go at any speed that the City wants. He stated that 150 days would be the quickest it would go, up to our timing.

Councilor DeBoer asked if there would be any action by the Council at that point since it is super voluntary.

Counsel Burns responded that there will be an ordinance for the Council to pass with a hearing. It takes an abbreviated, yet similar, process to any annexation. It includes public input and review of the fiscal plan.

Councilor Dietrich asked how far this project is from the City limits.

Director Buck responded that a handout provided by Mr. Teder shows that it fits right into the existing City limits; it is immediately adjacent. He stated that in discussions, and from the original annexation of that area, the overall plan was that when this area did become served by sanitary sewer and become viable for construction, the intent was to annex along Salisbury Street up to the corner of County Road 500 North. The corner would be cleaned up to be a logical corner, and the City would then have jurisdiction over that intersection which may need signalized someday. He stated that it would be more appropriate for the City to do that as the County does not really have traffic signals. Director Buck stated that the memo he provided to the Council provides quick bullet points as to the background of how we got here, and what we are asking for in Ordinance No. 11-16. The recent rate increase included this as part of the capital projects lists, so it is part of the long-term capital plan going forward to be able to provide sanitary sewer service to this area. He stated that the Auburn Meadows subdivision has been going through the approval process in the County, so the County surveyor's office has been working with the developer and their engineers to review the storm drainage. The County highway department has been reviewing the layouts and designs for the roads. He noted that until it is within the City, it will be the County's jurisdiction ensure construction specifications and standards are met. He stated that the City would be the sewer utility provider, so those elements would be built to our standards

and then be handed over to us for maintenance within the subdivision itself. The connection point would be a City project, as is typically done, especially for a regional lift station. The connection point is where the subdivision sewers are connected to the lift station and the force main that brings the flow back to the rest of our system. Director Buck stated that we typically have a sewer service cost-recovery agreement, and we would be anticipating entering into that type of agreement with this developer as the project moves forward. This agreement will allow the cost of the infrastructure, at least in part, to be recouped as development happens and lots come in. The agreement would be based on how many acres are being developed and what the City's per acre costs are to develop this lift station. The number of lots in the acres that the developer is taking down would have a per-lot fee established. We would have that agreement with each section of the subdivision as it goes forward. This means that over time the City will recoup these costs, and the developer is aware of that. He noted that this has been done with several other lift stations and projects.

Councilor Dietrich asked, in hearing about the County control at this point, if there is any advantage to the City to expedite our end of it in order to gain control over that part of it.

Director Buck responded that perhaps there would be an advantage if we had specific concerns. He stated that the stormwater flows to the north and west, away from the City, and the historical problems that Councilor Keen mentioned are not problems that the City has had. They are historical problems that the unincorporated parts of the County have had. The County has a much better feel for what is wrong and needs corrected for this area. The City understands the sanitary sewer service needs, but from a greater perspective, the subdivision itself would have the same standards. Director Buck stated that he does not think there would be any difference if the subdivision streets and layout were developed in the County or the City. The big one will be the stormwater improvements and correcting the existing issues happening on a more regional basis, as the flow leaves this area.

Councilor Dietrich stated that speaking of the streets, there was the same question in his neighborhood on Catherwood Court, about the City taking over control of that. He asked if the subdivision will be built to the City's specification.

Director Buck responded that it will technically be built to the County specifications; however, we keep close tabs with one another so that the City and County are not far off in terms of the quality of the street required when a developer builds. As we annex that, we would have to pay attention to that. If for some reason there is a much lesser street developed through the County's process than ours then the City would be concerned about taking over those public streets at that point. However, because it is somewhat imminent that this area will be annexed, there will be close communication with County offices during the process. He noted that this is very common.

President Bunder asked if it is correct that an option would be American Suburban Utilities.

Director Buck responded that they contemplated making that request, because some nearby areas are served by American Suburban. He stated that it is in our sewer service district, and we would have to take an act to formally allow a relinquishment to American Suburban. In that case the annexation future of the area would be a much different picture than discussed.

There was no further discussion.

Ordinance No. 12-16 An Ordinance To Amend Ordinance No. 07-16, To Fix The Salaries Of Appointed Officers, Employees, And Members Of The Police And Fire Departments Of The City Of West Lafayette, Indiana, For The Year 2016. (Submitted by City Controller)

President Bunder read Ordinance No. 12-16 by number only.

Clerk Booker explained that beginning in January, the City Clerk's Office became a standalone department, instead of being the Clerk-Treasurer Office. With that, along with becoming a Class 2 City, we found that we need to up our game. She stated that she had one full-time person, her Deputy Clerk, who was doing everything. Clerk Booker stated that she then got a part-time person, and we have found that it is still not enough hours in the week for us to accurately do our job at a level of excellence. She stated that she hopes that the Council will agree with transitioning the part-time position to a second full-time position. Clerk Booker explained that we are still in a honeymoon period of this position. We have not started our money-handling policies yet, which will be coming soon. She stated that the Clerk's Office will have a lot of responsibilities, even after taking out the treasurer part of it. In order to do the job in the most accurate and best way, we need two people. She stated that she cannot have one person expected to do everything alone; it does not set for a good office space. She stated that she hopes that the Council will allow us to transition Lindsey Strawser to a full-time position.

Councilor Wang asked if Clerk Booker anticipates having a Chief Deputy position.

Clerk Booker responded that she has a Deputy Clerk, so at this time Ms. Strawser will be the Administrative Assistant.

Councilor Wang asked if that is the equivalent of Chief Deputy.

Counsel Burns responded yes, that she can serve in Clerk Booker's stead.

There was no further discussion.

Ordinance No. 13-16 An Ordinance Requesting An Additional Appropriation And Reduction To The 2016 Budget (Clerk, Fire) (Submitted by City Controller)

President Bunder read Ordinance No. 13-16 by title only.

Controller Gray stated that this pertains to the position that Clerk Booker spoke about. He stated that at the beginning of the year that position did not have a budget, so we are moving funds within the General Fund, from the Fire Department to the Clerk Department, to cover the position.

President Bunder asked how that is possible.

Controller Gray explained that the Fire Department has a SAFER Grant, and when the budget was being completed last year we were uncertain if that grant would be extended or not. There was a full budget to cover the employees who are covered by the SAFER Grant, so there are additional funds in the budget for salaries in the Fire Department.

There was no further discussion.

Ordinance No. 14-16 An Ordinance Establishing Internal Control Standards And Establishing A Materiality Threshold (Submitted by City Controller)

President Bunder read Ordinance No. 14-16 by number only.

Controller Gray stated that this stems from the State Board of Accounts (SBOA). He stated that a number of years ago when Enron went bankrupt and the Sarbanes-Oxley Act was passed,

internal controls became front and foremost in the private sector. That is now filtering down into the public sector to ensure accountability, internal controls, and proper procedures so that people know what they are doing and how to do it correctly. He stated that this focus on internal controls is what the Department of Local Government Finance (DLGF) and SBOA is putting into place. This is something that the City needs to have in place by the end of June. Training will be done within the City as well, which is to be certified as complete by the end of the year.

There was no further discussion.

Resolution No. 08-16 A Resolution Authorizing The Filing Of An Application With The U.S. Department Of Housing And Urban Development, For Community Development Block Grant Funds, As Provided In Title I Of The Community Development Act Of 1974, As Amended (Submitted by Department of Development)

President Bunder read Resolution No. 08-16 by number only.

Assistant Director of Development Dixon explained that this is requesting the Council's authorization to file the paperwork for our one-year action plan. This occurs around this time every year. He stated that the awards have already been decided by the Mayor's Advisory Committee. The program year will start July 1, and this just allows us to file the paperwork with the U.S. Department of Housing and Urban Development (HUD) to get that rolling.

There was no further discussion.

Resolution No. 09-16 A Resolution Of The Common Council Of The City Of West Lafayette, Indiana, Approving Certain Matters In Connection With The Amendment Of A Declaratory Resolution And The Plan For The 231 Purdue Economic Development Area (Submitted by Department of Development)

Director of Development Poole explained that this is to amend the TIF district in the US 231 Purdue area to include two parcels that have been identified by Purdue and Purdue Research Foundation (PRF) for redevelopment. He stated that he missed these two sites when he drew the lines originally with the team, so this is to clean it up by adding the sites to the boundaries. He confirmed for President Bunder that it is approximately 15 acres.

There was no further discussion.

Resolution No. 10-16 A Resolution To Request A Land Use Plan For The US 231 Corridor Within The City Of West Lafayette (Sponsored by Mayor Dennis)

President Bunder read Resolution No. 10-16 by title only.

Director Poole stated that this is to authorize the APC to start working on a US 231 Land Use Plan. One of the reasons we did the annexation was to be able to start influencing the development along that corridor. This land use plan will be created using public meetings and meetings with Purdue and City staff about how we want to see that corridor grow and how we want to influence the development along that. He stated that we need Council action to engage APC.

President Bunder asked if the expectation would be that the APC will hold public hearings and information sessions, and Director Poole responded yes.

Councilor DeBoer asked if we have a particular vision of what we are looking for at this point in time for the corridor.

Director Poole responded that in preliminary discussions with APC Executive Director Fahey and staff, it will be a very controlled development; it will not be willy-nilly. He stated that we want to make sure that when we do something that we do it right. If are going to do housing it will be done in a controlled manner, and we will not be dropping 2,000 beds in the marketplace all in one year. It will be well planned and well organized in how we want to see things go.

Councilor Wang asked if this corridor is owned by mainly private developers or if Purdue owns a good percentage of it.

Director Poole responded that south of Lindberg Road is mostly controlled by some flavor of Purdue. North if that is mostly owned by private entities.

President Bunder stated that he suspect that APC has done preliminary work, and asked if anybody has a guess as to a timeline.

Director Poole stated that preliminary work behind the scenes has been done. He stated that he would guess that later this spring into summer is when public meetings will start along with a more substantial discussion.

Councilor Keen stated that he believes this is on the APC's front burner because the development phase for this entire corridor is now.

Councilor Dietrich stated that it sounds like it will be quicker than the New Chauncey Land Use Plan.

Mayor Dennis stated that in discussion with APC, the hope is that everything will get wrapped up in approximately six months. He stated that there are two people in the APC office that do that, and they respond to a lot of jurisdictions but realize that this needs to be a priority.

There was no further discussion.

Resolution No. 11-16 A Resolution To Support The Adoption Of The Say's Firefly As The State Insect (Sponsored by Councilor Keen)

President Bunder read Resolution No. 11-16 by number only.

Councilor Keen stated that the Say's Firefly was introduced to the State House in the last session to be considered for the State insect. He stated that it did not get approved. He stated that he has been working with Mrs. Samudio (Cumberland Elementary School teacher) and others who originally came up with this idea. He stated that he thought this would be a great way for the City to get behind this idea – for not just the school, but the City as well, to adopt the Firefly as our official City insect, and then push that onto the State House with a positive recommendation that they would consider moving this forward. He stated that there are advantages to this idea; it is not just putting forth the Firefly. There are economic advantages, along with marketing ideas. He stated that these kids and teachers from Cumberland have put in a lot of work and effort. This is a heartfelt resolution from them, and he stated that he would appreciate the Council's support.

President Bunder stated that he believes everyone at this table will be happy to vote for this, and he asked why the State did not do so since the State is interested in many issues that affect local government.

Councilor Keen stated that there was an objector from Fort Wayne, but he does not know the complete argument. He stated the legislators at that time decided it was not worth spending a lot of extra time on it in that session. Councilor Keen stated that he would like to amend the document to make a correction, and the document has been provided by the Clerk's Office. He motioned to amend Resolution No. 11-16 by substitution. Councilor Dietrich seconded the motion, and the motion passed by voice vote.

President Bunder stated that he is happy to have the City Council instruct, through legislation of its own, the State legislature. He hopes this sets a precedent for future conversation.

Councilor Keen stated that he has been so impressed by the knowledge the kids in this Second Grade class have about these insects. The experience they are getting in going through this process to approve this is phenomenal. He stated that a number of students will hopefully be at the Council meeting to show support for this.

The Council members discussed possibly moving this item to the top of the agenda if the students are present.

There was no further discussion.

Resolution No. 12-16 A Resolution Requesting The Transfer Of Funds (Clerk, Police) (Submitted by City Controller)

President Bunder read Resolution No. 12-16 by title only.

Controller Gray stated that this is to move funds within particular departments. He asked that this be amended, and noted that an amended version has been submitted. He explained that the Facilities Department also has a fund transfer request.

Councilor Keen moved to amend Resolution No. 12-16 by substitution. Councilor DeBoer seconded the motion, and the motion passed by voice vote.

There was no further discussion.

REPORT BY THE MAYOR

Mayor Dennis stated that this is Director Poole's last Council meeting with the City of West Lafayette. He stated that we have done this a few times, so he will just briefly say thanks. He stated that Director Poole has been a great friend and a great asset to this City, and he will be missed.

President Bunder stated that he will say here what he said at the farewell party. He thanked Director Poole for being a good sport, a good friend, and a good development director. He noted that Director Poole helped to move the New Chauncey Land Use Plan and then the Historic Preservation Commission. He stated that he is thankful for Director Poole's expertise and support during that process.

Ordinance No. 15-16 An Ordinance Providing For Temporary Loans (General Fund) (Submitted by City Controller)

Mayor Dennis stated that we need to add something to the agenda, and that can only be done with the Council's approval. He stated that this is basically another financial transfer.

Controller Gray stated that this is a temporary loan from the WWTU Improvement Fund to the General Fund.

Counsel Burns stated that procedurally it is necessary to suspend the rules to allow it to be filed as a late filing.

Councilor Keen motioned to suspend the rules and allow the late filing of Ordinance No. 15-16. Councilor DeBoer seconded the motion, and the motion passed by voice vote.

Counsel Burns stated that it is now filed, and it is his understanding that this will have to be read twice. He noted that there is no public hearing required and it is a two-read ordinance. He stated that the question is whether the Council reads it once tonight and once on Monday, or read it twice on Monday; either one is permissible.

Councilor Keen motioned to suspend the rules to consider Ordinance No. 15-16 on first reading tonight. Councilor DeBoer seconded the motion, and the motion passed by voice vote.

Councilor Bunder read Ordinance No. 15-16 by title only, and stated that the Council will vote by roll call.

Clerk Booker called the roll call vote:

Councilperson	Vote
Bunder	AYE
DeBoer	AYE
Dietrich	AYE
Jha	ABSENT
Keen	AYE
Leverenz	AYE
Sanders	AYE
Thomas	ABSENT
Wang	AYE

Clerk Booker stated that the vote was 7 AYES and 0 NAYS.

President Bunder announced that Ordinance No. 15-16 passed on first reading.

ADJOURNMENT

There being no further business at this time, President Bunder took the consent of the Council and adjourned the meeting, the time being 5:16 p.m.